



Paper No. 8

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In re Application of :
Boden et al. :
Application No. 09/682,285 :
Filed: August 14, 2001 :
Attorney Docket No. 08CL07493 :

OFFICE OF PETITIONS

ON PETITION

This decision concerns the October 24, 2002 "Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted by the PTO -- Response to Notice of Omitted Items," which in effect requests that the Notice of Omitted Items in a Nonprovisional Application, mailed on August 22, 2002 for the above-identified application ("Notice"), be withdrawn.

The petition is **GRANTED**.

The application was filed electronically on August 14, 2001. The Notice informed Applicants that Figure 11 described in the specification appeared to have been omitted from the filed application. The instant petition then followed, wherein Petitioners contend that the allegedly omitted figure 11 had indeed been filed electronically with the other application papers on August 14, 2001. In support, counsel for Applicants has supplied a printout of the Acknowledgment Receipt apparently transmitted, also electronically, from the PTO to counsel on August 14, 2001. This Acknowledgment Receipt clearly shows that a Figure 11 (15010 Bytes) was received by the PTO with the remaining application papers on August 14, 2001. The Office was also able to locate Figure 11 in the application file transmitted on August 14, 2001. The petition is thus granted and the Notice is hereby withdrawn.

The \$130 petition fee has been credited to Deposit Account No. 07-0862 as authorized in the instant petition.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 14, 2001, using the drawings transmitted with the application on that date via EFS and printed by the PTO, including Figure 11; for correction of the Office records and for issuance of a corrected Filing Receipt reflecting that 11 sheets of drawings were present on filing. Thereafter, the application file will be forwarded to Technology Center 1700 for examination in due course.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

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